

OCT 30 2009

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

MARCUS DWIGHT YOUNG,  
Plaintiff,

Civil Action No. 7:09-cv-00406

v.

By: Hon. Glen E. Conrad  
United States District Judge

DEP'T OF CORRECTIONS, ET AL.,  
Defendant(s).

**FINAL ORDER**

By Order entered October 7, 2009, the Court directed plaintiff to execute a verified statement demonstrating that he has exhausted his administrative remedies or that such remedies do not exist at his present place of confinement. See 42 U.S.C. §1997e(a). The Court also ordered that a filing fee be assessed in the amount of **\$350.00** and granted plaintiff twenty (20) days from the date of the Order to forward to the Court a statement of his assets and information regarding his trust account for the six (6) months preceding the filing of this action so that the Court could determine a payment schedule. Plaintiff was advised that failure to return the verified statement, the statement of assets, and/or the inmate account statement within twenty (20) days would result in dismissal of this action without prejudice. More than twenty (20) days has elapsed, and the plaintiff has failed to return either the verified statement or the required financial documents to the Court. Accordingly, it is hereby

**ORDERED**

that this case shall be and hereby is dismissed without prejudice and stricken from the active docket of this Court. Plaintiff may refile his claims in a separate action once he exhausts his available administrative remedies and also signs and returns the necessary financial forms to allow the Court to begin the process of withholding of filing fees in his case.

The Clerk is directed to send a copy of this order to plaintiff.

ENTER: This 30<sup>th</sup> day of OCTOBER, 2009.

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United States District Judge